


<p><u>Certificate of Facsimile under 37 CFR 1.8</u></p> <p>I hereby certify that this correspondence for Application No. 10/602,128 is being facsimile transmitted to the United States Patent and Trademark Office, Technology Center 2800, via Central Fax Number (571) 273-8300, on September 19, 2005.</p> <p> _____ David W. Dorton, Registration No. 51,625</p> <p><u>SEPTEMBER 19, 2005</u> _____ Date</p>

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SEP 19 2005

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Serial No.: 10/602,128
Filed: June 24, 2003
Art Unit: 2872
Examiner: Thong Q. Nguyen
Applicant: Wilt et al.
Title: LIGHT-WEIGHT HIGH RESOLUTION VIEWER
Attorney Docket: KMC-302US
Confirmation No.: 1590

Cincinnati, Ohio 45202

September 19, 2005

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

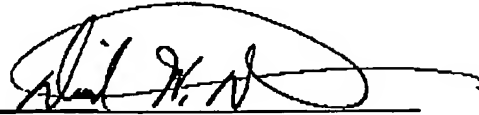
SUBMISSION OF DECLARATION UNDER 37 C.F.R. § 1.132

Attached is a Declaration of Brian L. Wilt, filed in the above-referenced application. Applicants do not believe that any fees are due in connection with this communication. However, if any fees are necessary, we hereby authorize Commissioner to charge any necessary fees to Deposit Account 23-3000.

Respectfully submitted,

WOOD, HERRON & EVANS, L.L.P.

By:



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SEP 19 2005

IN THE UNITED STATES PATENT OFFICE

APPLICATION OF BRIAN L. WILT)
ET AL.)
SERIAL NUMBER 10/602,128)
FILED: JUNE 24, 2003)
TITLE: LIGHT-WEIGHT HIGH)
RESOLUTION VIEWER)
EXAMINER: THONG Q. NGUYEN)

DECLARATION UNDER 37 C.F.R. §1.132

I, BRIAN L. WILT, do hereby state and declare the following:

I am the Site Manager of Kerr-Middleton, a manufacturing site Kerr Corporation, the assignee of the above-identified patent application. Kerr is a leading retailer of clinical optical loupes marketed under the brand names Orasoptic and Surgical Acuity. Currently, Kerr commands approximately 80% to 90% of the U.S. market for optical loupes used in the dental field.

Kerr or its predecessor has continuously marketed and sold conventional, user-wearable optical loupes with round objective lenses since their introduction in 1985. In February 2004, Kerr introduced user-wearable optical loupes having non-circular objective lenses with arcuate upper and lower peripheral edges, which loupes are the subject of the pending application. The arcuate-type optical loupes are lighter in weight than the equivalent round-lens versions, yet still

provide a wide field of view at high levels of magnification. Because they are lighter in weight, the arcuate-type optical loupes are less fatiguing to users, allowing the loupes to be worn for longer periods of time, while reducing the amount of strain on a user's neck and back.

Since their introduction in 2004, the arcuate-type optical loupes have enjoyed remarkable commercial success. In particular, sales of the arcuate-type loupes have been quite successful, initially boosting unit volume sales of all optical loupes sold by Kerr by approximately 11%. Because market-wide sales volumes of optical loupes are generally level from year to year, the 11% increase is significant in that it represents market share taken from competitors. During this same time, unit volume sales of conventional round-type optical loupes have been displaced by sales of the arcuate-type optical loupes, such that the arcuate-type loupes currently enjoy approximately 45% of the overall market for optical loupes sold by Kerr. Aside from the inventive features described and claimed in the pending application, the arcuate-type loupe is similar to its predecessor. Moreover, there has been no special advertising, beyond normal product promotion, specifically directed to the arcuate-type loupes. In other words, the extent and level of pervasiveness of advertising for both the round and arcuate-type optical loupes has been the same. Accordingly, the commercial success of the invention is attributed to its inventive features.

Further, Declarant sayeth naught.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true, and further that these statements were made with knowledge that willful false statements and the like, so made, are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the patent application or any patent issued thereon.

Respectfully submitted,



Brian L. Wilt